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REMARKS/ARGUMENTS

Reexamination and reconsideration of this Application, withdrawal of the rejections, and formal notification of the allowability of all claims as now presented are earnestly solicited in light of the remarks that follow. Claims 15-22 have been canceled without prejudice or disclaimer in light of the restriction requirement. Claims 1 and 8 have been amended to more clearly state that the stabiliser composition of the invention is a solid. Claims 2, 5, 9, and 12 have been amended to more clearly state that the inorganic base can be an alkaline earth metal hydroxide and is not a further component of the composition. New claim 23 has been added and is directed to a stabiliser composition. New claim 23 finds support throughout the application, particularly at pages 4 and 5. No new matter has been added.

Restriction Requirement

The Examiner has divided the claims into five separate groups, requiring election of a single group for prosecution. While Applicants affirm the provisional election to prosecute the invention designated by the Examiner as Group I (claims 1-7), Applicants respectfully reassert that such election is made with traverse. Specifically, Applicants believe the invention designated Group II (claims 8-14) is not mutually exclusive from Group I, and claims 1-14 should be examined together for the reasons provided below. In order to expedite prosecution, claims 15-22 have been canceled. Accordingly, claims 1-14 are pending in the application.

The Office argues the invention of Group I is distinct from the invention of Group II as being an intermediate that is also useful other than to make the polymer composition of Group II. In support of this argument, the office asserts the stabiliser composition is useful as a bleaching composition to bleach textiles. Applicants respectfully disagree with this assertion.

There is no affirmative evidence provided by the Office that compositions like those recited in claims 1-7 can be used as a textile bleach. The stabiliser composition comprises two components: a salt of a halogen-containing oxy acid (a perchlorate); and an inorganic acid, an organic acid, or an inorganic base. Since it is known that textile fibers do not usually tolerate the presence of inorganic acids, one of skill in the art would not view the claimed stabiliser composition as a textile bleaching agent. Therefore, the presence of the second component of

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the stabiliser composition clearly removes the composition from consideration as a bleaching agent such as the Office asserts. Accordingly, Applicants respectfully request that Groups I and II be recombined, and that claims 1-14 be examined together in the present application.

Rejections Under 35 U.S.C. §112

Claims 2 and 5-6 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Office asserts the use of the phrase "further comprising" in relation to the inorganic base being an alkaline earth metal hydroxide makes the claims indefinite as the base claim already recites an inorganic base. Claims 2 and 5 have been amended to remove the word "further" and to more clearly state that the alkaline earth metal hydroxide is not an additional component but is rather a specific inorganic base that may be used in the composition. In the event that claims 8-14 are rejoined in the present prosecution, similar claim amendments have been made to claims 9 and 12. In light of the claim amendments, Applicants respectfully request reconsideration and withdrawal of the above-described rejection.

Rejections Under 35 U.S.C. §102(b)

Claims 1-7 stand rejected under 35 U.S.C. §102(b) as being anticipated by any one of U.S. Patent No. 2,993,946 to Lozier, U.S. Patent No. 3,355,328 to Meyers *et al.*, U.S. Patent No. 3,615,179 to Rosenberg, or U.S. Patent No. 3,307,903 to Milan. The Office asserts that the cited patents teach water-soluble perchlorate salts that are not in crystallite form, the salts being solvated. Accordingly, the Office asserts the solvated salts encompass the crystallite concentration and size ranges presently claimed. Applicants respectfully traverse this rejection.

The claims, as presently amended, recite a solid stabiliser composition. Each of the patents cited by the Office teach aqueous solutions. As such, the patents can not be characterized as disclosing a solid composition comprising a salt, wherein the composition contains less than 10% crystallites of the salt by weight that have a crystallite size greater than 3 μm based on the total content of the salt. Even though less than 10% by weight of the crystallites, as presently claimed, have a crystallite size greater than 3 μm , the composition being a solid indicates the sum of the crystallites can not meet the inherent limitation of having a crystallite size less than 3

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μm by virtue of being solvated. Accordingly, Applicants request reconsideration and withdrawal of the above-described rejection.

In relation to newly added claim 23, Applicants respectfully wish to point out that the above-cited patents also do not anticipate claim 23. Claim 23 recites a stabiliser composition comprising a salt of a halogen-containing oxy acid of a specified formula. Further, the composition contains crystallites of the salt, less than 10 % by weight of the crystallites having a crystallite size greater than 3 μm based on the total content of the salt. Since claim 23 recites a composition comprising crystallites of a salt, such a composition would not be anticipated by a reference teaching an aqueous solution.

It is believed that all pending claims are now in condition for immediate allowance. It is requested that the Examiner telephone the undersigned should the Examiner have any comments or suggestions in order to expedite examination of this case.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Ryan W. Cagle
Registration No. 47,468

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

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Rebecca Kerney
Rebecca Kerney

11/24/04
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